

ALEX G. TSE (CABN 152348)
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 16-00440 WHA
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	VACATING PRETRIAL AND TRIAL DATES
v.)	AND EXCLUDING TIME FROM OCTOBER 9,
)	2018, THROUGH FEBRUARY 12, 2019.
YEVGENIY ALEXANDROVICH NIKULIN,)	
)	
Defendant.)	
)	
)	

Defendant Yevgeniy Nikulin, represented by Arkady Bukh and Valery Nechay, and the United States, represented by Assistant United States Attorneys Michelle J. Kane and Matthew A. Parrella, hereby stipulate to the following:

1. The parties appeared before the Court on October 9, 2018, for a mental competency hearing;

2. Because defendant has refused to meet with the psychiatrist appointed by the Court to conduct the mental competency examination, the government requested, and the defendant agreed, that he be committed to the custody of the Attorney General for an examination to determine his

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1 competency, pursuant to 18 U.S.C. §§ 4241(b) and 4247(b);

2 3. The Court agreed and so ordered;

3 4. The Court set a new mental competency hearing for February 12, 2019, and vacated the
4 pretrial and trial dates in its Supplemental Scheduling Order entered July 6, 2018;

5 5. The Court, with the agreement of the parties, has previously designated this a complex
6 case based on the nature of the prosecution, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii);

7 6. At the October 9, 2018, hearing, the Court, with the agreement of the parties, found that
8 the time until the February 12, 2018, hearing was an excludable delay resulting from proceedings,
9 including examinations, to determine the mental competency of the defendant, pursuant to 18 U.S.C.
10 § 3161(h)(1)(A);

11 7. The parties therefore agreed that the period from October 9, 2018, through February 12,
12 2019, should be excluded from Speedy Trial Act calculations.

13 IT IS SO STIPULATED.

14 DATED: October 10, 2018

Respectfully submitted,

15 ALEX G. TSE
16 United States Attorney

17 /s/
18 MICHELLE J. KANE
19 MATTHEW A. PARRELLA
Assistant United States Attorneys

20 /s/
21 ARKADY BUKH
22 Counsel for Yevgeniy Alexandrovich
Nikulin

23 /s/
24 VALERY NECHAY
25 Counsel for Yevgeniy Alexandrovich
26 Nikulin
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ORDER

The pretrial and trial dates contained in the Court's Supplemental Scheduling Order are
VACATED.

Based on the previous agreement of counsel and for good cause shown, the Court finds that the case is complex based on the nature of the prosecution and that it is therefore unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(B)(ii).

With the agreement of counsel at the October 9, 2018, hearing, the Court finds that the time until the February 12, 2019, mental competency hearing is excludable pursuant to 18 U.S.C. § 3161(h)(1)(A) as delay resulting from proceedings, including examinations, to determine the mental competency of the defendant.

Therefore, IT IS HEREBY ORDERED that the time from October 9, 2018, through February 12, 2019, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(A) and (7)(B)(ii).

IT IS SO ORDERED.

Dated:

HON. WILLIAM ALSUP
United States District Judge